

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Order Instituting Rulemaking To  
Revise Commission General Order  
Numbers 95 and 128.

**FILED**  
**PUBLIC UTILITIES COMMISSION**  
**OCTOBER 2, 2001**  
**SAN FRANCISCO OFFICE**  
**R.01-10-001**

**ORDER INSTITUTING RULEMAKING  
TO REVISE GENERAL ORDERS 95 AND 128**

**I. INTRODUCTION**

The Public Utilities Commission's (Commission) General Order (GO) 95 "RULES FOR OVERHEAD ELECTRIC LINE CONSTRUCTION" and GO128 "RULES FOR CONSTRUCTION OF UNDERGROUND ELECTRIC SUPPLY AND COMMUNICATION SYSTEMS" formulate uniform requirements for overhead and underground electric and communication line construction for the State of California.

The Commission is charged with ensuring that electric utilities operating in California comply with the provisions of the Public Utilities Code and relevant laws and regulations, such as GOs 95 and 128. To that extent, among other things, the Commission's staff in its Consumer Services Division (CSD):

- Conducts inspections of utilities' overhead and underground electric facilities to ensure compliance with GOs 95 and 128.
- Investigates electric incidents involving public utilities subject to the Commission's jurisdiction to determine the causes, verify compliance with relevant laws and regulations, including GOs 95 and 128, and makes recommendations to prevent similar accidents.
- Responds to public and utility inquiries and requests for interpretations of GOs 95 and 128.

- Investigates public complaints related to compliance by public utilities with relevant laws and regulations including GOs 95 and 128.

While performing these functions, the staff has determined that certain GO 95 and GO 128 rules need modification and/or clarification and has proposed a number of rule changes. This Order Instituting Rulemaking (OIR) sets forth the GO 95 and GO 128 rule changes proposed by the staff. Appendix A contains proposed rule changes that the staff has prepared. Section IV of this OIR summarizes the rule change proposals and provides the rationale for each rule change. A notice of Availability of this OIR to revise Commission General Orders Numbers 95 and 128 shall be served by mail on all electrical corporations, municipalities providing electric service, and individuals or entities that have made their interest in this proceeding known to date. Copies of this OIR and Appendix A may be obtained through the Commission's Central Files Office (415-703-2045); or downloaded from the Commission's internet site (<http://www.cpuc.ca.gov>). Interested parties are invited to file comments as set forth below on the recommendations contained in Appendix A and to present alternatives or proposals they may have concerning modifications to GOs 95 and 128.

## **II. SUMMARY**

This rulemaking proceeding is initiated in light of our staff's suggestions for strengthening GOs 95 and 128 -- two General Orders that are critical to the Commission's role of overseeing the safe operation of electric utilities' facilities. Although the proceeding contemplated by this Order does not necessitate public hearings or workshops (all comments may be submitted in writing), rule change proposals advanced by utilities or other parties will also be considered in this Rulemaking docket. The staff's proposals are outlined herein as well as the reasons for the proposals. Appendix A contains the current General Order Rule (where one exists), as well as the proposed changes staff seeks; and where a new

rule is sought by staff, the entire language of the proposed new rule is included as well.

### **III. JURISDICTION**

GO 95 and GO 128 are orders of the Commission setting forth rules and regulations for electric utilities operating and providing service in California. The rules involved concern the safety of the general public, electric utilities' customers and their employees. As required by the Public Utilities Code, "[e]very public utility shall furnish and maintain such adequate, efficient, just, and reasonable service, instrumentalities, equipment, and facilities ... as are necessary to promote the safety, health, comfort, and convenience of its patrons, employees, and the public." (Pub. Util. Code, § 451.) In our broad grant of jurisdiction over public utilities in California, we are authorized to "do all things, whether specifically designated in ... [the Public Utilities Act] or in addition thereto, which are necessary and convenient" to our regulation of public utilities, including, though not limited to, adopting necessary rules and requirements in furtherance of our constitutional and statutory duties to regulate and oversee public utilities operating in California. (*Id.*, § 701.)

This Commission has comprehensive jurisdiction over questions of public health and safety arising from utility operations. (*San Diego Gas & Electric v. Superior Court* ("Covalt") (1996), 13 Cal.4<sup>th</sup> 893, 923-924.) Our jurisdiction to regulate these entities is set forth in the California Constitution and in the Public Utilities Code. (Cal. Constit., Art. 12, §§ 3, 6; Pub. Util. Code, §§ 216, 701, 1001; see also, *Order Instituting Investigation Into the Power Outage Which Occurred on December 8, 1998 on Pacific Gas & Electric System* (1998) \_\_\_\_ Cal.P.U.C.2d \_\_\_\_, D.99-09-028, at 7-8.) Such utilities are required to "obey and comply with every order, decision, direction, or rule made or prescribed by the [C]ommission ...." (Pub. Util. Code, § 702; see also, *id.*, §§ 761, 762, 767.5, 768, 770.) The Commission is obligated to see that the provisions of the

Constitution and state statutes affecting public utilities are enforced and obeyed. (Pub. Util. Code, § 2101.)

#### **IV. PROCEDURE**

In order to create a public record upon which to base a decision, all utilities and interested parties will be provided an opportunity to comment on the staff's proposals regarding changes to GOs 95 and 128, and to advance relevant comments in a public context to assist the Commission in determining rule changes that best serve the public interest. Comments and reply comments may be addressed to the Commission, in the manner set forth below, on the staff's proposals for rule changes. The proceeding's assigned Commissioner may, if it appears useful, convene a pre-hearing conference after receipt of the opening and reply comments, to determine whether any further public hearing is necessary for the development of a rulemaking record regarding the proposed rule changes to GO 95 and GO128.

The goal of GOs 95 and 128 is to promote public health, safety and general welfare, and to that end, the staff's proposed rule changes address public health, safety and general welfare concerns. The goal of this proceeding is for the Commission to adopt rules that will help fulfill its mission as a regulatory agency, and that promote the safety, health, comfort, and convenience of the utilities' patrons, employees, and the public, whenever possible, regarding GO 95 and GO 128 revisions. After parties have submitted responses and the assigned Commissioner has determined whether a prehearing conference is necessary to further develop the record, a proposed decision will be issued and parties will have an opportunity to comment on that proposal before the Commission issues a final decision.

## **V. SUMMARY OF THE CSD'S PROPOSED RULE CHANGES**

The proposed rule changes by staff are attached as Appendix A. The following summarizes the rule changes and explains the staff rationale for each proposed rule change:

### **1. GO95, Rule 17 - Add rule requiring operators of supply lines to investigate accidents for the purpose of determining the causes and minimizing the possibility of recurrences.**

Currently, electric utilities are not required to investigate accidents involving their own electric facilities, which result in fatalities, injuries or major property damage.

Gas utilities subject to the Commission's jurisdiction, on the other hand, are required to investigate accidents and other failures to determine the causes and take action to minimize recurrences. (GO 112-E.) The Commission's gas safety standards incorporate Title 49 of the Code of Federal Regulations (49 CFR) Part 192 in GO 112-E. With respect to gas utilities, 49 CFR, section 192.617, requires an "investigation of failures" and provides:

Each operator shall establish procedures for analyzing accidents and failures, including the selection of samples of the failed facility or equipment for laboratory examination, where appropriate, for the purpose of determining the causes of the failure and minimizing the possibility of a recurrence.

Gas utilities' compliance with 49 CFR, section 192.617, through GO 112-E, has improved gas system safety in California. Numerous improvements in gas utility construction, operation and maintenance procedures have been initiated by gas utilities based on findings from utilities' accident investigations. Also, many safety programs have been developed by utilities following an investigation of an accident and have helped prevent similar accidents in the utilities' service territory. In many cases, the safety and reliability of other utilities in California, and in other states, have benefited from the utilities' thorough investigation of accidents and other failures.

The Commission is charged by Public Utilities Code, section 315, with conducting its own investigation of "the cause of all accidents occurring within this State upon the property of any public utility or directly or indirectly arising from or connected with its maintenance or operation, resulting in loss of life or injury to person or property ...." Generally, Commission staff investigates electric and gas incidents that are reported by utilities under the Commission's accident reporting criteria (Decision 98-07-097, Appendix B for electric and GO 112-E, Section 122 for gas). As noted above, in the case of gas accidents and failures, the Commission has access to the utilities' investigative records and materials and can utilize that information in its own investigation. Often the utility is the first to the scene of an event or arrives very shortly thereafter and in many instances, must repair a site immediately in order to ensure public and/or employee safety. Consequently, in many cases, only the utility will have key information from its initial response to the event that is necessary to a thorough investigation of the matter.

The staff's investigation of utility accidents is conducted to determine whether a utility has complied with relevant laws, rules, orders, directives, and regulations, including Commission GOs. The staff may recommend enforcement action against utilities that appear to have violated such provisions, and/or recommend changes or modifications in utilities' procedures to prevent similar

accidents, and may initiate rule changes to Commission GOs where necessary.

Gas utilities' investigation of their own accidents and the availability of their complete investigation reports to the Commission staff have assisted staff in conducting the Commission's investigations. Whether or not the same preliminary conclusions are reached by the staff and the utility, the exchange of findings and the availability of factual data collected during the investigation is extremely helpful to both the staff and the utility in ensuring a safer and more reliable system.

Electric utilities previously have not been held to the same investigative requirements as gas utilities and consequently, although in some instances electric utilities may conduct investigations of major accidents, their investigative records have generally not been as available to the staff, and in other instances electric utilities may not have conducted a thorough investigation of such event. Electric utilities in the past have also not been held to the same requirements as gas utilities for taking future preventative measures and corrective actions after major accidents. In many cases the causes of serious equipment failures, such as transformer explosions, circuit breaker malfunctions, and switch failures are not provided to the Commission, and/or remain unknown to the electric utilities.

The proposed rule will require electric utilities to investigate the cause of all major accidents (i.e., accidents reported to the staff under Decision 98-07-097, Appendix B). Electric utilities will be required to make their complete investigative reports, causal analysis and findings, and other pertinent investigative records and materials available to the staff, upon request, in a timely manner, and where appropriate, initiate action to prevent future similar accidents/events.

## **2. GO95, Rule 23.3-B - Change the definition of “private thoroughfares.”**

GO95 currently defines “private thoroughfare” as “any vehicular way intended primarily for the use of the owners, occupants or visitors of the particular

premises with which the way is associated.” It defines “public thoroughfare” as “any way open or intended for general vehicular use.”

The current definition has generated some controversy as to whether thoroughfares in mobile home parks and other frequently traveled private vehicular ways fall under the definition of private or public thoroughfares. Certain requirements, such as conductor clearances, in GO95 are significantly different for private and public thoroughfares.

Thoroughfares in mobile home parks are usually traveled as frequently, and by the same types of vehicles, as public thoroughfares. Therefore, in order to ensure public safety, the same overhead line construction requirements should apply. The rule is clarified by excluding thoroughfares in mobile home parks and other frequently traveled private vehicular ways from the private thoroughfare definition.

**3. GO95, Rule 31.6 - Clarify the intent of the rule by defining “permanently abandoned.”**

GO95, Rule 31.6 requires “permanently abandoned” facilities to be removed so that such facilities do not become a public nuisance or a hazard to life or property. However, Rule 31.6 does not define “permanently abandoned.”

The intent of Rule 31.6 has been the subject of debates among the USB staff, utilities and customers. The staff has received requests for interpretation of Rule 31.6, and specifically for interpretation of the meaning of “permanently abandoned.” The staff has also investigated major accidents where abandoned facilities were involved. During routine GO95 compliance inspections, staff (and utility) inspectors frequently need to ensure they understand what is meant by permanently abandoned. The proposed rule specifically defines “permanently abandoned” facilities.

**4. GO95, Rule 35 - Revise rule to be consistent with the Public Resources Code and eliminate exceptions 2 and 4.**

Confusion has been engendered by clearances required by GO95 between electric lines and vegetation, and those required by the Public Resources



Code in State Responsibility Areas (SRAs). In SRAs, the Public Resources Code, Division 4, Part 2, Chapter 3 has specific clearance requirements for electric transmission and distribution lines located upon mountainous land, or in forest-covered land, brush-covered land, or grass-covered land. These clearance requirements in designated areas of the state are generally more stringent than those contained in the current version of GO95, Rule 35. The rule change will incorporate the Public Resources Code transmission and distribution line clearance requirements into GO 95 by reference, because the Public Resources Code requirements are controlling in areas of high fire danger.

Rule 35 requires an 18-inch clearance between primary distribution lines and vegetation to be maintained at all times. Exception 4 of Rule 35 allows this clearance to be reduced to six inches for the trunks and major limbs of mature trees. This exemption applies when the trunks and limbs are of sufficient strength and rigidity to prevent the trunk or limb from encroaching upon the six-inch clearance under local wind and weather conditions. Regardless of whether the application of this exemption may be considered by some as adequate to prevent line-tree contacts causing outages, it fails to consider two major types of public safety incidents:

- Children or others climbing trees and coming in contact with overhead conductors.
- Tree trimmers coming in contact with overhead conductors while trimming trees.

Eliminating exemption 4 would increase the required clearance between the trunks and major limbs of mature trees and primary distribution conductors to 18 inches and increase safety to patrons, employees and the general public. This would greatly reduce the risk of tree climber and tree trimmer contact with overhead power lines.

Exception 2 exempts a utility from all of Rule 35's provisions when it has made a "good faith" effort to obtain permission to trim a tree. The exception

is vague and, in any event, the outcome of the exception – i.e., exempting a utility from fully complying with Rule 35, is not in the public interest. In order to protect the public's safety, utilities must comply with relevant laws and safety regulations. Eliminating exception 2 will accomplish this. Exemption 3 shall be renumbered as 2.

**5. GO95, Rule 37, Table 1, Case 10 - Add clearance requirements between overhead lines and antennas that are not part of the overhead line system.**

Existing GO95 rules do not specify minimum required clearances between overhead lines and antennas that are not part of the overhead line system, such as rooftop antennas or satellite dishes. Considering the increased demand for antenna installations, a specific clearance requirement should be added to Rule 37 of GO 95. Staff has received at least one interpretation request regarding the clearance of antennas from power lines. The proposed rule will require clearances between antennas and overhead lines equivalent to the clearances required between street lighting/traffic signal poles and overhead lines (Table 1, Case 10).

**6. GO95, Rule 44.2 - Eliminate reduction of safety factors based on changes in construction arrangement and correct safety factor requirement.**

The first part of the rule change, which eliminates the reduction of safety factors based on changes in construction arrangement, is consistent with the CSD's recommendations in the December 1995 Storm phase of the PG&E General Rate Case (I.95-02-015). Ordering Paragraph No. 11 of our June 1999 decision in that proceeding (D.99-06-080, at 109) asks the staff to suggest a rule change to Rule 44.2 concerning the revision of wood pole minimum safety factors and their replacement or reinforcement.

GO95, Rule 44.1 specifies the minimum safety factors for lines and elements of lines at the time of installation. Rule 44.2 allows the reduction of these safety factors to two-thirds, for grades of construction "A" and "B" and to

one-half for grades of construction “C” and “F,” of the initial safety factor based on deterioration or changes in construction arrangement. The phrase “Changes in construction arrangement” in Rule 44.2 has been interpreted by the industry to include the installation of additional facilities (such as supply or communication cables). Based on this interpretation, the initial installation safety factors in Rule 44.1 are rendered inadequate, and enforceability of the rule is severely hampered since any additional supply or communication line installed after the initial installation of the pole is likely to reduce the safety factors to the values in Rule 44.2. In order to ensure that adequate safety factors are maintained at the time of installation of new facilities (including supply or communication cables attached after the original installation of the pole), the proposed rule will limit the safety factor reduction to only deterioration.

The second part of the rule change corrects Rule 44.2 to prevent safety factors from dropping below one and causing facilities to fail. Rule 44.2 allows safety factors for grades of construction “F” to be reduced to one-half of the initial value required by Rule 44.1. Applying this reduction to certain initial safety factors, which are equal to one, reduces the allowed safety factors to one-half. This could mean failure of the facility since dropping below a safety factor of one means exposing the structural member to a load that is more than its maximum working load.

**7. GO95, Rule 60 – Incorporate by reference the National Electric Safety Code’s rules applicable to substations and generating stations.**

GO95 currently contains certain requirements that address some aspects of extra high voltage lines (e.g., Section VI), and other requirements that are applicable to all lines, such as clearances and safety factors. However, the staff believes that specific requirements concerning substations and generating stations are necessary to ensure employee, customer, and public safety and service reliability. The National Electric Safety Code (NESC), Part 1, “Rules for the Installation and Maintenance of Electric Supply Stations and Equipment” contains

more detailed requirements for substations and generating stations than GO95. The proposed rule change incorporates the NESC rules applicable to generating stations and substations, which are followed in most states, into California's GO95.

**8. GO95, Rule 81.3-A - Correct safety factor requirement.**

This rule change is necessary since the existing Rule 81.3-A allows safety factors to drop to one-half. This could result in a failure of the facility since dropping below a safety factor of one means exposing the structural member to a load that is more than its maximum working load. The rule is revised to increase the minimum safety factor from one-half to one.

**9. GO128, Rule 17.7 - Revise rule to be consistent with Government Code section 4216 requirements.**

GO128, Rule 17.7 requires each party operating facilities, upon request, to provide information regarding the location of its underground facilities to any other party contemplating underground construction in the vicinity. In California, such requests for facility mark-outs are processed through a one-call system called Underground Service Alert (USA). Government Code section 4216 requires all operators of underground facilities to participate in USA. Section 4216 also specifies many requirements that both excavators and operators of underground facilities must follow, such as marking methods and requirements for timely notification and response.

Because Rule 17.7 existed before the effective date of section 4216, Rule 17.7 does not refer to USA and does not contain specific marking requirements. This has caused a potential for ambiguity and enforcement difficulties for the Commission. By incorporating section 4216 into GO128, Rule 17.7, location information requirements in GO128 should become clearer and more specific.

**9. GO128, Rule 17.8 - Revise rule to include self-contained surface-mounted equipment.**

GO128, Rule 17.8 requires that all electric supply and communication manholes, handholes, and subsurface equipment are designated with an indication of the owner of the facilities, so that the facilities could be identified as utility facilities by authorized workers and by other persons performing work where such subterranean equipment is located. Utilities currently meet this requirement by engraving or welding ownership identification on the covers of these facilities. However, a similar ownership designation is not currently required for self-contained surface-mounted equipment. Self-contained surface-mounted equipment, commonly referred to as “pad-mounted” equipment, is installed to facilitate the operation of underground distribution systems. This equipment is often installed at locations accessible to the public. Consequently, with respect to self-contained surface-mounted equipment, such equipment poses the same type of risk alleviated in the case of manholes, handholes and subsurface equipment by current Rule 17.8, to the public at large and to those who may be working in such areas.

To ensure public and employee safety, Rule 17.8 should be modified to extend the safety requirement to pad-mounted equipment and require that owners of such equipment clearly mark it in order to facilitate its identification and/or enable the public to provide the utility with notification of potentially unsafe conditions that may exist.

**11. GO128, Rule 18 - Add rule requiring operators of supply lines to investigate accidents for the purpose of determining the causes and minimizing the possibility of recurrences.**

This proposed rule is identical to GO95, Rule 17 above except it is applicable to operators of underground supply lines.

**12. GO128, Rule 33.4-A (3)(a) - Modify underground clearance requirement between supply cables and gas pipes to be consistent with GO112-E.**

There is confusion between provisions in GOs 128 and 112-E related to the underground clearance requirements between gas and electric lines.

GO128, Rule 33.4 (3)(a) allows a clearance of only six inches between supply cables and foreign substructures (such as gas lines) when crossing. GO112-E (reference 49 CFR, Part 192, section 192.325(a)), requires a minimum clearance of 12 inches between gas transmission lines and other underground structures (such as supply cables).

To avoid confusion in regulations and ensure safety, the proposed rule will require a 12-inch separation between supply cables and gas transmission lines.

**13. GO128, Rule 35.2 - Clarify the intent of the rule by stating that it is applicable to workers as well as the general public.**

GO128, Rule 35.2 requires that live parts be “enclosed, isolated, guarded, or insulated to prevent accidental contact.” Utilities subject to this Commission’s jurisdiction have contended that the existing language of the rule is intended to protect only the public, rather than the utilities’ employees as well as its patrons and the general public. For example, questions have arisen as to whether the rule requires live parts located inside fenced structures or walk-in vaults, which are accessible only to utility employees, to be guarded. Is the fence or wall, which guards the public from access inside the enclosure or vault, sufficient?

The California Code of Regulations, Title 8 (Cal/OSHA standards) sections 2700-2974 (High-Voltage Electric Safety Orders) establishes minimum requirements for the installation, operation, and maintenance of electrical equipment to ensure safety to personnel working around such installations. Section 2717 “Energized Parts” requires energized parts “to be so located or enclosed as to prevent accidental contact by persons or objects.” However,

installations subject to the jurisdiction of this Commission, that are owned, operated and maintained by an electric utility have been exempt from the Cal OSHA's High-Voltage Electric Safety Orders.

Every public utility is required to “furnish and maintain such adequate, efficient, just and reasonable service, instrumentalities, equipment, and facilities as are necessary to promote the safety, health, comfort, and convenience of its patrons, employees and the public.” (Pub. Util. Code, § 451, emphasis added.) The purpose of GO128, as stated in Rule 11, is to secure safety to persons engaged in the construction, maintenance, operation or the use of underground systems, as well as the general public. Therefore, Rule 35.2 is and should be applicable in areas accessible only to utility personnel.

The rule is revised to further clarify that it is intended to protect utility employees working in the vicinity of live parts, as well as patrons and the public.

## **VI. Preliminary Scoping Memorandum**

This rulemaking is instituted for the purpose of considering whether to revise portions of General Order 95 and General Order 128 and/or to establish new rules applicable to electric corporations and municipal electric utilities operating in California.

This rulemaking is preliminarily determined to be a quasi-legislative proceeding as that term is defined in the Commission's Rules of Practice and Procedure, rule 5(d). It is contemplated that this proceeding shall be conducted through a written record and that an order will issue on the merits based on the pleadings timely filed in this docket.

Interested parties are invited to file opening comments, including proposed changes to General Orders 95 and 128, responding to the items raised in Appendix A to this order. Persons or entities filing comments shall include with their opening comments any objections they may have regarding the categorization of this proceeding as quasi-legislative, as well as whether there is a need for a hearing and any objections to this preliminary scoping memorandum,

pursuant to Commission Rules of Practice and Procedure, rule 6(c)(2). Comments shall conform to the requirements of the Commission's Rules of Practice and Procedure, Article 3.5 (Rulemaking), and opening comments shall be filed with the Commission's Docket Office and served no later than 60 days after the date Appendix B is mailed. Responses to opening comments may be submitted and shall be filed and served 60 days after opening comments. Parties filing opening comments or responses to opening comments are placed on notice that if hearings are held they may be required to provide testimony to support any assertions of fact.

The Assigned Commissioner's office shall set a date for a pre-hearing conference in the event that it is determined that one needs to be held.

## **VII. Service List**

The changes and modification to GOs 95 and 128 in Appendix A could, if implemented in whole or in part, affect the electric corporations and municipalities providing electric service, and with instrumentalities, equipment and facilities in California. There have been no previous rulemaking dockets associated with GO 95 or 128 rule changes, and thus there are no existing service lists. We will, therefore, direct that a Notice of Availability in the form contained in Appendix B be served on all electric corporations and municipalities providing electric service. Persons and entities interested in participating in this proceeding may request copies of this rulemaking order by contacting the Commission's Central Files, or may view and download copies from the Commission's Internet site (<http://www.cpuc.ca.gov>), and may file opening comments in this docket within 60 days from the date of mailing of the Notice of Availability.

After timely filing of opening comments, a proceeding service list will be formed by the Process Office, published on the Commission's Internet site, and updated as directed by the Assigned Commissioner throughout the proceeding. The service list will not automatically include those who received service of the Notice of Availability. Parties filing comments in response to Appendix A will be



added to the service list automatically after their comments are received. Others who wish to be included on the service list must submit a written request to the Commission's Process Office, stating their full name, the entity they represent, the postal address and telephone number of the person to be served, an e-mail address where available, and their desired service list category (e.g., Appearance, State Service, or Information Only). All interested parties are reminded to submit written requests in a timely fashion. Parties serving documents may rely on the Commission's Internet service list published as of the date their documents must be served or may obtain a copy of the service list by calling our Process Office at (415) 703-2021.

**IT IS ORDERED** that:

1. A rulemaking is instituted for the purpose of considering whether to revise portions of General Order 95 and General Order 128 and/or to establish new rules applicable to electric corporations and municipal electric utilities operating in California.
2. This rulemaking is preliminarily determined to be a quasi-legislative proceeding as that term is defined in the Commission's Rules of Practice and Procedure, rule 5(d).
3. Interested parties are invited to file opening comments, including proposed changes to General Orders 95 and 128, responding to the items raised in Appendix A to this order. Comments shall conform to the requirements of the Commission's Rules of Practice and Procedure, Article 3.5 (Rulemaking), and opening comments shall be filed with the Commission's Docket Office and served no later than 60 days after the date Appendix B is mailed. Responses to opening comments may be submitted and shall be filed and served 60 days after opening comments. Parties filing opening comments or responses to opening comments are placed on notice that if hearings are held they may be required to provide testimony to support any assertions of fact.
4. The Assigned Commissioner's office shall set a date for a pre-hearing conference in the event that it is determined that one needs to be held.

5. Pursuant to Commission Rules of Practice and Procedure, rule 6(c)(2), parties shall include with their opening comments any objections they may have regarding the categorization of this proceeding as quasi-legislative.

6. The Executive Director shall cause a Notice of Availability in the form of Appendix B to this order to be served on all regulated electrical corporations and municipal electric utilities operating in California.

7. After service of the Notice of Availability, a service list for this proceeding shall be formed following the procedures set forth in the Service List section in the body of this order. The Assigned Commissioner shall have on-going oversight of the service list and may institute changes to the list or the rules governing it, as needed.

This order is effective today.

Dated October 2, 2001, at San Francisco, California.

LORETTA M. LYNCH

President

RICHARD A. BILAS

HENRY M. DUQUE

CARL W. WOOD

GEOFFREY F. BROWN

Commissioners

## APPENDIX A

### California Public Utilities Commission

#### Consumer Services Division

#### GENERAL ORDERS 95 & 128

#### PROPOSED RULE CHANGES

<b>Rule No.</b>	<b>Proposed Change</b>
GO95, Rule 17 (New)	Add rule requiring operators of supply lines to investigate accidents for the purpose of determining the causes and minimizing the possibility of recurrences.
GO95, Rule 23.3-B	Change the definition of “private thoroughfares.”
GO95, Rule 31.6	Clarify the intent of the rule by defining “permanently abandoned.”
GO95, Rule 35	Incorporate by reference the Public Resources Code transmission and distribution line clearance requirements and eliminate exceptions 2 and 4.
GO95 Rule 37, Table 1, Case 10	Add clearance requirements between overhead lines and antennas that are not part of the overhead line.
GO95, Rule 44.2	Eliminate reduction of safety factors based on changes in construction arrangement and correct safety factor requirement.
GO95, Rule 60	Incorporate by reference the NESC rules applicable to generating stations and substations.
GO95, Rule 81.3-A	Correct safety factor requirement.
GO128, Rule 17.7	Revise rule to be consistent with Government Code section 4216 requirements.
GO128 Rule 17.8	Revise rule to include self-contained surface-mounted equipment.
GO128, Rule 18 (New)	Add rule requiring operators of supply lines to investigate accidents for the purpose of determining the causes and minimizing the possibility of recurrences.
GO128, Rule 33.4-A (3)(a)	Modify underground clearance requirement between supply cables and gas transmission lines to be consistent with GO112-E.
GO128, Rule 35.2	Clarify the intent of the rule by stating that it is applicable to workers as well as the general public.

**Rationale for Proposed New Rule  
GO95 Rule 17  
Investigation of Failures**

Adopt language requiring utilities to investigate major accidents to find the causes and prevent recurrence similar to GO112-E, Reference 49 CFR, Part 192, section 192.617 “Investigation of Failures” which is applicable to natural gas utilities.

**Proposed New Rule  
GO 95 Rule 17  
Investigation of Failures**

**17 Investigation of Failures**

Each operator of supply lines shall investigate major accidents and failures as set forth by the Commission for the purpose of determining the causes and minimizing the possibility of recurrence and/or future similar events. In addition, entities subject to the Commission’s jurisdiction shall, upon request, timely provide the Commission with all investigative reports, causal analysis and findings, and other pertinent investigative reports, records and other materials regarding each event inquired into by the Commission staff.

**Rationale for Proposed Rule Change**  
**GO 95 Rule 23.3-B**  
**Private Thoroughfares**

Exclude private vehicular ways that are frequently traveled, such as thoroughfares in mobile home parks, from the private thoroughfare definition so that appropriate electric construction standards that are normally applicable to public thoroughfares shall apply.

**Existing Rule**  
**GO 95 Rule 23.3-B**  
**Private Thoroughfares**

**B Private Thoroughfare** means any vehicular way intended primarily for the use of the owners, occupants or visitors of the particular premises with which the way is associated.

**Strikeout and Underline**  
**GO 95 Rule 23.3-B**  
**Private Thoroughfares**

**B Private Thoroughfare** means any vehicular way intended primarily for the use of the owners, occupants or visitors of the particular premises with which the way is associated. Thoroughfares in mobile home parks and other frequently traveled private vehicular ways are excluded from this definition and shall be treated as public thoroughfares.

**Proposed Final Rule**  
**GO 95 Rule 23.3-B**  
**Private Thoroughfares**

**B Private Thoroughfare** means any vehicular way intended primarily for the use of the owners, occupants or visitors of the particular premises with which the way is associated. Thoroughfares in mobile home parks and other frequently traveled private vehicular ways are excluded from this definition and shall be treated as public thoroughfares.

**Rationale for Proposed Rule Change**  
**GO 95 Rule 31.6**  
**Abandoned Lines**

Clarify the intent of the rule by defining “permanently abandoned.”

**Existing Rule**  
**GO 95 Rule 31.6**  
**Abandoned Lines**

**31.6 Abandoned Lines**

Lines or portions of lines permanently abandoned shall be removed by their owners so that such lines shall not become a public nuisance or a hazard to life or property.

**Strikeout and Underline**  
**GO 95 Rule 31.6**  
**Abandoned Lines**

**31.6 Abandoned Lines**

Lines or portions of lines permanently abandoned shall be removed by their owners so that such lines shall not become a public nuisance or a hazard to life or property.

For the purpose of this rule, lines or portions of lines out of service shall be considered permanently abandoned unless the owner can demonstrate with appropriate documentation the intent of placing such lines or portions of lines in service in the foreseeable future.

**Proposed Final Rule**  
**GO 95 Rule 31.6**  
**Abandoned Lines**

**31.6 Abandoned Lines**

Lines or portions of lines permanently abandoned shall be removed by their owners so that such lines shall not become a public nuisance or a hazard to life or property.

For the purpose of this rule, lines or portions of lines out of service shall be considered permanently abandoned unless the owner can demonstrate with appropriate documentation the intent of placing such lines or portions of lines in service in the foreseeable future.

**Rationale for Proposed Rule Change**  
**GO95 Rule 35**  
**Tree Trimming**

Eliminate any confusion between GO95 and the Public Resources Code line clearance requirements for lines located upon mountainous land, or in forest-covered land, brush-covered land, or grass-covered land by incorporating the Public Resources Code line clearance requirements by reference.

The existing rule fails to provide for what the utility should have known with respect to dead, rotten and/or diseased trees. The provisions in Rule 35 should apply when a utility has actual knowledge or should have had such knowledge.

In the existing rule, exception 2 exempts a utility from all of Rule 35's provisions where it has made a "good faith" effort to obtain permission to trim a tree. The exception is vague, and in any event, the outcome of the exception – i.e., exempting a utility from fully complying with Rule 35 is not in the public interest. In order to ensure the public safety, utilities must comply with relevant laws and regulations. Exemption 3 shall be renumbered as 2.

Exception 4 allows the clearance between primary distribution lines and vegetation to be reduced from 18 inches to six inches for the trunks and major limbs of mature trees. Whether or not this exemption may be considered by some to be effective in preventing line-tree contacts causing outages, it does not take into consideration incidents involving children and others climbing trees and tree trimmers working near overhead lines. Eliminating exception 4 will increase the clearance requirement for the trunks and limbs of mature trees to 18 inches and greatly increase safety by reducing the risk of tree climber and tree trimmer line contacts.

**Existing Rule**  
**GO95 Rule 35**  
**Tree Trimming**

**35 Tree Trimming**

Where overhead wires pass through trees, safety and reliability of service demand that tree trimming be done in order that the wires may clear branches and foliage by a reasonable distance. The minimum clearances established in Table 1, Case 13, measured between line conductors and vegetation under normal conditions, shall be maintained. (Also see Appendix E for tree trimming guidelines.)

When a utility has actual knowledge, obtained either through normal operating practices or notification to the utility, dead, rotten and diseased trees or portions



thereof, that overhang or lean toward, and may fall into a span, should be removed.

Communication and electric supply circuits, energized at 750 volts or less, including their service drops, should be kept clear of limbs and foliage, in new construction and when circuits are reconstructed or repaired, whenever practicable. When a utility has actual knowledge, obtained either through normal operating practices or notification to the utility, that any circuit energized at 750 volts or less shows strain or evidences abrasion from tree contact, the condition shall be corrected by slacking or rearranging the line, trimming the tree or placing mechanical protection on the conductor(s).

### **EXCEPTIONS:**

1. Rule 35 requirements do not apply to conductors, or aerial cables that comply with Rule 57.4-C, energized at less than 60,000 volts, where trimming or removal is not practicable and the conductor is separated from the tree with suitable materials or devices to avoid conductor damage by abrasion and grounding of the circuit through the tree.

2. Rule 35 requirements do not apply where the utility has made a "good faith" effort to obtain permission to trim or remove vegetation but permission was refused or unobtainable. A "good faith" effort shall consist of current documentation of a minimum of an attempted personal contact and a written communication, including documentation of mailing or delivery. However, this does not preclude other action or actions from demonstrating "good faith." If permission to trim or remove vegetation is unobtainable and requirements of exception 2 are met, the utility is not compelled to comply with the requirements of exception 1.

3. The Commission recognizes that unusual circumstances beyond the control of the utility may result in nonconformance with the rules. In such cases, the utility may be directed by the Commission to take prompt remedial action to come into conformance, whether or not the nonconformance gives rise to penalties or is alleged to fall within permitted exceptions or phase-in requirements.

4. Mature trees whose trunks and major limbs are located more than six inches, but less than 18 inches, from primary distribution conductors are exempt from the 18-inch minimum clearance requirement under this rule. The trunks and limbs to which this exemption applies shall only be those of sufficient strength and rigidity to prevent the trunk or limb from encroaching upon the six-inch minimum clearance under reasonably foreseeable local wind and weather conditions. The utility shall bear the risk of determining whether this exemption applies, and the Commission shall have final authority to determine whether the exemption applies

in any specific instance, and to order that corrective action be taken in accordance with this rule, if it determines that the exemption does not apply.

**Strikeout and Underline**  
**GO 95 Rule 35**  
**Tree Trimming**

**35 Tree Trimming**

Where overhead wires pass through trees, safety and reliability of service demand that tree trimming be done in order that the wires may clear branches and foliage by a reasonable distance. The minimum clearances established in Table 1, Case 13, measured between line conductors and vegetation under normal conditions, shall be maintained. (See also, Appendix E for tree trimming guidelines.)

When a utility has or should have, actual knowledge, obtained either through normal operating practices or notification to the utility, dead, rotten and diseased trees or portions thereof, that overhang or lean toward and may fall into a span, should be removed.

Communication and electric supply circuits, energized at 750 volts or less, including their service drops, should be kept clear of limbs and foliage, in new construction and when circuits are reconstructed or repaired, whenever practicable. When a utility has or should have actual knowledge, obtained either through normal operating practices or notification to the utility, that any circuit energized at 750 volts or less shows strain or evidences abrasion from tree contact, the condition shall be corrected by slacking or rearranging the line, trimming the tree or placing mechanical protection on the conductor(s).

Transmission and distribution lines located upon mountainous land, or in forest-covered land, brush-covered land, or grass-covered land shall also follow the applicable line clearance requirements in the Public Resources Code, Division 4, Part 2, Chapter 3.

**EXCEPTIONS:**

1. Rule 35 requirements do not apply to conductors, or aerial cables that comply with Rule 57.4-C, energized at less than 60,000 volts, where trimming or removal is not practicable and the conductor is separated from the tree with suitable materials or devices to avoid conductor damage by abrasion and grounding of the circuit through the tree.

~~2. Rule 35 requirements do not apply where the utility has made a "good faith" effort to obtain permission to trim or remove vegetation but permission was~~

~~refused or unobtainable. A "good faith" effort shall consist of current documentation of a minimum of an attempted personal contact and a written communication, including documentation of mailing or delivery. However, this does not preclude other action or actions from demonstrating "good faith". If permission to trim or remove vegetation is unobtainable and requirements of exception 2 are met, the utility is not compelled to comply with the requirements of exception 1.~~

3.2. The Commission recognizes that unusual circumstances beyond the control of the utility may result in nonconformance with the rules. In such cases, the utility may be directed by the Commission to take prompt remedial action to come into conformance, whether or not the nonconformance gives rise to penalties or is alleged to fall within permitted exceptions or phase-in requirements.

~~4. Mature trees whose trunks and major limbs are located more than six inches, but less than 18 inches, from primary distribution conductors are exempt from the 18-inch minimum clearance requirement under this rule. The trunks and limbs to which this exemption applies shall only be those of sufficient strength and rigidity to prevent the trunk or limb from encroaching upon the six-inch minimum clearance under reasonably foreseeable local wind and weather conditions. The utility shall bear the risk of determining whether this exemption applies, and the Commission shall have final authority to determine whether the exemption applies in any specific instance, and to order that corrective action be taken in accordance with this rule, if it determines that the exemption does not apply.~~

## **Proposed Final Rule GO95 Rule 35 Tree Trimming**

### **35 Tree Trimming**

Where overhead wires pass through trees, safety and reliability of service demand that tree trimming be done in order that the wires may clear branches and foliage by a reasonable distance. The minimum clearances established in Table 1, Case 13, measured between line conductors and vegetation under normal conditions, shall be maintained. (See also, Appendix E for tree trimming guidelines.)

When a utility has or should have actual knowledge, obtained either through normal operating practices or notification to the utility, dead, rotten and diseased trees or portions thereof, that overhang or lean toward and may fall into a span, should be removed.

Communication and electric supply circuits, energized at 750 volts or less, including their service drops, should be kept clear of limbs and foliage, in new

construction and when circuits are reconstructed or repaired, whenever practicable. When a utility has or should have actual knowledge, obtained either through normal operating practices or notification to the utility, that any circuit energized at 750 volts or less shows strain or evidences abrasion from tree contact, the condition shall be corrected by slacking or rearranging the line, trimming the tree or placing mechanical protection on the conductor(s).

Transmission and distribution lines located upon mountainous land, or in forest-covered land, brush-covered land, or grass-covered land shall also follow the applicable line clearance requirements in the Public Resources Code, Division 4, Part 2, Chapter 3.

**EXCEPTIONS:**

1. Rule 35 requirements do not apply to conductors, or aerial cables that comply with Rule 57.4-C, energized at less than 60,000 volts, where trimming or removal is not practicable and the conductor is separated from the tree with suitable materials or devices to avoid conductor damage by abrasion and grounding of the circuit through the tree.
2. The Commission recognizes that unusual circumstances beyond the control of the utility may result in nonconformance with the rules. In such cases, the utility may be directed by the Commission to take prompt remedial action to come into conformance, whether or not the nonconformance gives rise to penalties or is alleged to fall within permitted exceptions or phase-in requirements.

**Rationale for Proposed Rule Change**  
**GO 95 Rule 37, Table 1, Case 10**

Establish a clearance requirement between overhead lines and antennas that are not part of the overhead line system.

**Existing Rule**  
**GO 95 Rule 37, Table 1, Case 10**

Radial centerline clearance of conductor or cable (unattached) from non-climbable street lighting or traffic signal poles or standards, including mastarms, brackets and lighting fixtures.

**Strike Out and Underline**  
**GO 95 Rule 37, Table 1, Case 10**

Radial centerline clearance of conductor or cable (unattached) from non-climbable street lighting or traffic signal poles or standards, including mastarms, brackets, and lighting fixtures, and from antennas that are not part of the overhead line system.

**Proposed Final Rule**  
**GO 95 Rule 37, Table 1, Case 10**

Radial centerline clearance of conductor or cable (unattached) from non-climbable street lighting or traffic signal poles or standards, including mastarms, brackets, and lighting fixtures, and from antennas that are not part of the overhead line system.

**Rationale for Proposed Rule Change**  
**GO 95 Rule 44.2**  
**Replacement**

The existing rule allows the reduction of safety factors as a result of changes in construction arrangement and allows safety factors to drop below one. The proposed rule will no longer permit the reduction of safety factors based on changes in construction arrangement or the reduction of safety factors below the value of one.

**Existing Rule**  
**GO 95 Rule 44.2**  
**Replacement**

**44.2 Replacement**

Lines or parts thereof shall be replaced or reinforced before safety factors have been reduced (due to deterioration or changes in construction arrangement or other conditions subsequent to installation) in Grades "A" and "B" construction to less than two-thirds of the construction safety factors specified in Rule 44.1 and in Grades "C" and "F" construction to less than one-half of the construction safety factors specified in Rule 44.1. Poles in Grade "F" construction shall also conform to the requirements of Rule 81.3-A.

In no case shall the application of this rule to Grades "A", "B" or "C" construction or to guys in Grade "F" construction be held to permit the use of structures or any member of any structure with a safety factor less than one.

**Strikeout and Underline**  
**GO 95 Rule 44.2**  
**Replacement**

**44.2 Replacement**

Lines or parts thereof shall be replaced or reinforced before safety factors have been reduced (due to deterioration or changes in construction arrangement or other conditions subsequent to installation) in Grades "A" and "B" construction to less than two-thirds of the construction safety factors specified in Rule 44.1 and in Grades "C" and "F" construction to less than one-half of the construction safety factors specified in Rule 44.1. Poles in Grade "F" construction shall also conform to the requirements of Rule 81.3-A.

In no case shall the application of this rule to ~~Grades "A", "B" or "C" construction~~ or to guys in Grade "F" construction be held to permit the use of structures or any member of any structure with a safety factor less than one.

**Proposed Final Rule  
GO 95 Rule 44.2  
Replacement**

**44.2 Replacement**

Lines or parts thereof shall be replaced or reinforced before safety factors have been reduced due to deterioration in Grades "A" and "B" construction to less than two-thirds of the construction safety factors specified in Rule 44.1 and in Grades "C" and "F" construction to less than one-half of the construction safety factors specified in Rule 44.1. Poles in Grade "F" construction shall also conform to the requirements of Rule 81.3-A.

In no case shall the application of this rule be held to permit the use of structures or any member of any structure with a safety factor less than one.

**Rationale for Proposed Rule Change**  
**GO 95 Rule 60**  
**General**

Adopt rules applicable to substations and generating stations by incorporating by reference the National Electric Safety Code's requirements for electric supply stations.

**Existing Rule**  
**GO 95 Rule 60**  
**General**

**60 General**

The following rules cover certain special details for the construction of tower lines and extra high voltage lines.

These rules are supplemented, in certain cases, by rules in other sections. See Section X for special rules applicable to line crossings or conflicts; see Section XI for special rules applicable to lines crossing railways.

**Strikeout and Underline**  
**GO95 Rule 60**  
**General**

**60 General**

The following rules cover certain special details for the construction of tower lines and extra high voltage lines.

These rules are supplemented, in certain cases, by rules in other sections. See Section X for special rules applicable to line crossings or conflicts; see Section XI for special rules applicable to lines crossing railways.

Installations located in substations and generating stations shall comply with the requirements applicable to electric supply stations in the National Electric Safety Code, Part 1.



**Proposed Final Rule**  
**GO95 Rule 60**  
**General**

**60 General**

The following rules cover certain special details for the construction of tower lines and extra high voltage lines.

These rules are supplemented, in certain cases, by rules in other sections. See Section X for special rules applicable to line crossings or conflicts; see Section XI for special rules applicable to lines crossing railways.

Installations located in substations and generating stations shall comply with the requirements applicable to electric supply stations in the National Electric Safety Code, Part 1.

**Rationale for Proposed Rule Change**  
**GO 95 Rule 81.3-A**  
**Replacement of Wood Poles in Grade F Construction**

The existing rule allows safety factors to drop to one-half. The proposed language increases the minimum safety factor to one.

**Existing Rule**  
**GO 95 Rule 81.3-A**  
**Replacement of Wood Poles in Grade F Construction**

**A Replacement of Wood Poles in Grade F Construction**

Wood poles in Grade F construction shall be replaced or reinforced before the safety factor has been reduced to less than one-half, except that the circumference of sound solid wood within 18 inches above and below the ground line on such poles before replacement or reinforcement shall not be less than as follows:

Poles supporting 10 or less open wire conductors 9 inches

Poles supporting cable, or more than 10 open wire conductors 12 inches

Examples of replacement circumferences which meet these requirements are given in Tables 26 and 27 of Appendix D.

**Strikeout and Underline**  
**GO 95 Rule 81.3-A**  
**Replacement of Wood Poles in Grade F Construction**

**A Replacement of Wood Poles in Grade F Construction**

Wood poles in Grade F construction shall be replaced or reinforced before the safety factor has been reduced to less than one-half, except that the circumference of sound solid wood within 18 inches above and below the ground line on such poles before replacement or reinforcement shall not be less than as follows:

Poles supporting 10 or less open wire conductors 9 inches

Poles supporting cable, or more than 10 open wire conductors 12 inches

Examples of replacement circumferences which meet these requirements are given in Tables 26 and 27 of Appendix D.

**Proposed Final Rule**  
**GO 95 Rule 81.3-A**  
**Replacement of Wood Poles in Grade F Construction**

**A Replacement of Wood Poles in Grade F Construction**

Wood poles in Grade F construction shall be replaced or reinforced before the safety factor has been reduced to less than one, except that the circumference of sound solid wood within 18 inches above and below the ground line on such poles before replacement or reinforcement shall not be less than as follows:

Poles supporting 10 or less open wire conductors	9 inches
Poles supporting cable, or more than 10 open wire conductors	12 inches

Examples of replacement circumferences which meet these requirements are given in Tables 26 and 27 of Appendix D.

**Rationale for Proposed Rule Change**  
**GO 128 Rule 17.7**  
**Location Information**

The proposed rule change references Government Code section 4216 for consistency.

**Existing Rule**  
**GO 128 Rule 17.7**  
**Location Information**

**17.7 Location Information**

Each party operating or owning facilities shall, upon request, provide information as to location of its underground facilities to any other party contemplating underground construction, or work, in the vicinity thereof. Provision of such information by a party will not relieve such other party of his responsibility to locate accurately such underground facilities and to exercise reasonable care during construction or work. If at any time damage or interruption to existing facilities should occur, said other party is enjoined immediately to report such damage to the party owning such damaged or interrupted facilities.

**Strike Out and Underline**  
**GO 128 Rule 17.7**  
**Location Information**

**17.7 Location Information**

Each party operating or owning facilities shall, upon request, provide information as to location of its underground facilities, in accordance with Government Code section 4216, to any other party contemplating underground construction, or work, in the vicinity thereof. Provision of such information by a party will not relieve such other party of his responsibility to locate accurately such underground facilities and to exercise reasonable care during construction or work. If at any time damage or interruption to existing facilities should occur, said other party is enjoined immediately to report such damage to the party owning such damaged or interrupted facilities.

**Proposed Final Rule  
GO 128 Rule 17.7  
Location Information**

**17.7 Location Information**

Each party operating or owning facilities shall, upon request, provide information as to location of its underground facilities, in accordance with Government Code section 4216, to any other party contemplating underground construction, or work, in the vicinity thereof. Provision of such information by a party will not relieve such other party of his responsibility to locate accurately such underground facilities and to exercise reasonable care during construction or work. If at any time damage or interruption to existing facilities should occur, said other party is enjoined immediately to report such damage to the party owning such damaged or interrupted facilities.

## **Rationale for Proposed Rule Change**

### **GO 128 Rule 17.8**

#### **Identification of Manholes, Handholes and Subsurface Equipment Enclosures**

This rule change modifies rule 17.8 by adding language that extends the safety requirement such that self-contained surface-mounted equipment be marked as to ownership in a manner similar to manholes, handholes and subsurface mounted equipment enclosures.

## **Existing Rule**

### **GO 128 Rule 17.8**

#### **Identification of Manholes, Handholes and Subsurface Equipment Enclosures**

#### **17.8 Identification of Manholes, Handholes and Subsurface Equipment Enclosures**

Manholes, handholes and subsurface equipment enclosures shall be marked as to ownership to facilitate identification by persons authorized to work therein and by other persons performing work in their vicinity.

## **Strike Out and Underline**

### **GO 128 Rule 17.8**

#### **Identification of Manholes, Handholes and Subsurface Equipment Enclosures**

#### **17.8 Identification of Manholes, Handholes and, Subsurface and Self-contained Surface-mounted Equipment Enclosures**

Manholes, handholes ~~and~~, subsurface and self-contained surface-mounted equipment enclosures shall be marked as to ownership to facilitate identification by persons authorized to work therein and by other persons performing work in their vicinity.

**Proposed Final Rule**

**GO 128 Rule 17.8**

**Identification of Manholes, Handholes, Subsurface and Self-contained  
Surface-mounted Equipment Enclosures**

**17.8 Identification of Manholes, Handholes, Subsurface and Self-contained  
Surface-mounted Equipment Enclosures**

Manholes, handholes, subsurface and self-contained surface-mounted equipment enclosures shall be marked as to ownership to facilitate identification by persons authorized to work therein and by other persons performing work in their vicinity.

**Rationale for Proposed Rule Change**  
**GO 128 Rule 18**  
**Investigation of Failures**

Adopt language requiring utilities to investigate major accidents to find the causes and prevent recurrence similar to GO112-E, Reference 49 CFR, Part 192, section 192.617 “Investigation of Failures” which is applicable to natural gas utilities.

**Proposed New Rule**  
**GO 128 Rule 18**  
**Investigation of Failures**

**18 Investigation of Failures**

Each operator of supply lines shall investigate major accidents and failures as set forth by the Commission for the purpose of determining the causes and minimizing the possibility of recurrence and/or future similar events. In addition, entities subject to the Commission’s jurisdiction shall, upon request, timely provide the Commission with all investigative reports, causal analysis and findings, and other pertinent investigative reports, records and other materials regarding each event inquired into by the Commission staff.



**Rationale for Proposed Rule Change**  
**GO 128 Rule 33.4-A (3)(a)**  
**Independently Installed**

Eliminate the potential conflict between GO112-E, Reference 49 CFR, Part 192, section 192.325(a) and GO128.

**Existing Rule**  
**GO 128 Rule 33.4-A (3)(a)**  
**Independently Installed**

(a) **Independently installed:** Supply cables, when independently installed, shall be separated where practicable, from gas, water, oil, or other pipe systems, or other foreign substructures, by a clearance of at least 12 inches when paralleling and by at least 6 inches when crossing.

**Strike Out and Underline**  
**GO 128 Rule 33.4-A (3)(a)**  
**Independently Installed**

(a) **Independently installed:** Supply cables, when independently installed, shall be separated where practicable, from gas, water, oil, or other pipe systems, or other foreign substructures, by a clearance of at least 12 inches when paralleling and by at least 6 inches when crossing.

Supply cables shall be separated from gas transmission lines (as defined in General Order 112-E) by a clearance of at least 12 inches.

**Proposed Final Rule**  
**GO 128 Rule 33.4-A (3)(a)**  
**Independently Installed**

(a) **Independently installed:** Supply cables, when independently installed, shall be separated where practicable, from gas, water, oil, or other pipe systems, or other foreign substructures, by a clearance of at least 12 inches when paralleling and by at least 6 inches when crossing.

Supply cables shall be separated from gas transmission lines (as defined in General Order 112-E) by a clearance of at least 12 inches.

**Rationale for Proposed Rule Change**  
**GO128 Rule 35.2**  
**Guarding Live Parts**

Clarify the intent of the rule by stating that it is applicable to employees, as well as patrons and the general public.

**Existing Rule**  
**GO128 Rule 35.2**  
**Guarding Live Parts**

**35.2 Guarding Live Parts**

Live parts shall be enclosed, isolated, guarded, or insulated to prevent accidental contact. (See Rules 21.2, 22.0 and 21.6 for definitions of "enclosed," "isolated," and "guarded.")

**Strikeout and Underline**  
**GO128 Rule 35.2**  
**Guarding Live Parts**

**35.2 Guarding Live Parts**

Live parts shall be permanently enclosed, isolated, guarded, or insulated to prevent accidental contact to the general public, and employees working in the vicinity. (See Rules 21.2, 22.0 and 21.6 for definitions of "enclosed," "isolated," and "guarded.")

**Proposed Final Rule**  
**GO128 Rule 35.2**  
**Guarding Live Parts**

**35.2 Guarding Live Parts**

Live parts shall be permanently enclosed, isolated, guarded, or insulated to prevent accidental contact to the general public, and employees working in the vicinity. (See Rules 21.2, 22.0 and 21.6 for definitions of "enclosed", "isolated", and "guarded".)

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

Order Instituting Rulemaking To  
Revise Commission General Order  
Numbers 95 and 128.

**R.**\_\_\_\_\_

**NOTICE OF AVAILABILITY OF ORDER INSTITUTING RULEMAKING TO  
REVISE COMMISSION GENERAL ORDERS NUMBERS 95 AND 128**

This is to notify you that the Commission has issued the Order Instituting Rulemaking (OIR) noted in the caption above. Through this rulemaking the Commission will consider whether it should revise portions of General Order (GO) 95 and GO 128, as set forth in Appendix A to the OIR.

Interested parties are invited to file comments on the analysis and recommendations contained in Appendix A, advanced by our Consumer Services Division staff, and to present alternatives and proposals they may have concerning modification of GOs 95 and 128. Comments shall conform to the requirements of the Commission's Rules of Practice and Procedures, Article 3.5. Opening comments are due no later than 60 days from the date of mailing of this notice.

The service list for this proceeding shall be formed by the Process Office after submission of the opening comments and will be published on the Commission's website. The service list shall be based on those who file comments or request inclusion, and will not automatically include those who received this notice.

You may obtain copies of the OIR and Appendix A through the Commission's Central Files (415) 703-2045, or you may view and download copies from the Commission's Internet site (<http://www.cpuc.ca.gov>).

**(END OF APPENDIX B)**

